

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
v. Plaintiff,) Criminal Action
DZHOKHAR A. TSARNAEV, also) No. 13-10200-GAO
known as Jahar Tsarni,)
Defendant.)

BEFORE THE HONORABLE GEORGE A. O'TOOLE, JR.
UNITED STATES DISTRICT JUDGE

EXCERPT
JURY TRIAL - DAY TWENTY-SEVEN

OPENING STATEMENT BY MR. WEINREB

John J. Moakley United States Courthouse
Courtroom No. 9
One Courthouse Way
Boston, Massachusetts 02210
Wednesday, March 4, 2015
9:50 a.m.

Marcia G. Patrisso, RMR, CRR
Official Court Reporter
John J. Moakley U.S. Courthouse
One Courthouse Way, Room 3510
Boston, Massachusetts 02210
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Mechanical Steno - Computer-Aided Transcript

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PROCEDINGS

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3 MR. WEINREB: Good morning.

4 THE JURORS: Good morning.

5 MR. WEINREB: Nearly two years ago, on Marathon
6 Monday, the defendant, Jahar Tsarnaev, rounded the corner onto
7 Boylston Street and began walking towards the Boston Marathon
8 finish line. It was about 2:30 in the afternoon. The race had
9 started about six hours earlier, and the sidewalks were packed
10 with spectators. The Red Sox game had just ended, and people
11 were pouring out of Fenway Park, making the crowds even bigger.
12 There were people from all over the world and all walks of
13 life -- men, women, boys, girls -- all loudly cheering on the
14 runners. And because Marathon Monday falls on Patriots' Day,
15 the school holiday, there were plenty of families enjoying the
16 special day with their children.

17 But the defendant wasn't there to watch the race. He
18 had a backpack over his shoulder, and inside that backpack was
19 a homemade bomb. It was the type of bomb favored by terrorists
20 because it's designed to tear people apart and create a bloody
21 spectacle. It was a sealed pressure cooker about this wide and
22 this high, and it was filled with explosive powder and
23 thousands of pieces of tiny shrapnel: nails, tacks, and little
24 BBs. The purpose of that type of bomb is to shred flesh,
25 shatter bone, set people on fire, and cause its victims to die

1 painful, bloody deaths and permanent disfigurement.

2 The defendant's goal that day was to maim and kill
3 as many people as possible, so he took his time figuring out
4 where to plant his bomb. He began walking slowly down towards
5 the finish line with his brother, Tamerlan, who was also
6 carrying a bomb in his own knapsack. They walked a little ways
7 together, and then they split up.

8 Tamerlan continued all the way down to the finish line
9 and planted his bomb there in a crowd of people. The defendant
10 waited a bit and then started walking in the same direction.
11 He decided to stop in front of a crowded restaurant called
12 Forum, and to place his bomb right behind a row of children who
13 were standing on a railing by a curb -- the curb watching the
14 race.

15 One of those children was an eight-year-old boy named
16 Martin Richard who was watching the race with his family. No
17 one noticed the defendant plant the bomb because there was
18 nothing out of the ordinary to see. He just got there, slipped
19 his backpack onto the ground, and stood there looking at the
20 backs of those children. He pretended to be a spectator, but
21 he had murder in his heart, although you wouldn't have known it
22 just to look at him.

23 The defendant looked and acted like a typical young
24 adult, but the evidence will show that he wasn't. He had a
25 side to him that he kept hidden, even from his closest friends.

1 When he was with his friends, he hung out and played video
2 games. But when he was by himself, he read terrorist writings
3 and listened to terrorist lectures. Those writings and
4 lectures convinced him that he should kill innocent Americans
5 in order to punish the United States for mistreating Muslims in
6 other countries. And by doing so, he thought he would earn a
7 place in paradise, which explains what happened next.

8 The defendant stood there for nearly four minutes
9 directly behind the row of children who were watching the race.
10 Dozens of people stood around him, and dozens more were behind
11 him in the Forum restaurant enjoying a meal with friends,
12 cheering on the runners, or just enjoying the day. Then when
13 the defendant had given his brother, Tamerlan, enough time to
14 get into place, he called Tamerlan on the phone and spoke to
15 him for about 20 seconds. About ten seconds later, Tamerlan
16 detonated his bomb. A few seconds after that, the defendant
17 walked briskly back the way he had come, leaving his own bomb
18 behind him on the ground. When he was a safe distance away, he
19 detonated the bomb by remote control.

20 The explosions from the two bombs were terrifying.
21 They made a defining roar and created fireballs several stories
22 high. The air filled with the smell of burning sulphur and
23 people's screams. Pieces of the pressure cookers and thousands
24 of pieces of tiny shrapnel were propelled with huge force in
25 every direction. Some of them landed hundreds of feet away.

1 The defendant's bomb exploded in the middle of a crowd
2 of people. Pieces of the pressure cooker and bits of shrapnel
3 tore through them, shredding their flesh and severing their
4 arteries. The explosion deafened many of them and set others
5 on fire. Some of them were blinded. Many had a leg or a foot
6 blown off their bodies, and some bled to death on the pavement
7 while the defendant ran away.

8 One person the defendant murdered that day was Martin
9 Richard. As I said earlier, he was one of the children
10 standing on the railing watching the race. Martin was eight
11 years old. He was at the marathon with his father, Bill
12 Richard; his mother, Denise; his six-year-old daughter [*sic*],
13 Jane; and his 11-year-old brother, Henry. They were all
14 standing together waiting for a family friend to cross the
15 finish line.

16 The bomb tore large chunks of flesh out of Martin's
17 body. As the smoke cleared, Denise Richard found her little
18 boy lying on the ground and tried to comfort him. She could
19 only half see him because the bomb had permanently blinded her
20 in one eye. Martin bled to death on the sidewalk as she looked
21 helplessly on. Bill Richard, who had been blown into the
22 street, came back to the curb and reached out to Jane to pick
23 her up off the sidewalk. When she tried to stand up, she fell
24 down again because her leg was no longer attached to her body.

25 Another person the defendant murdered that day is

1 Lingzi Lu, a student at Boston University. She was a
2 23-year-old known for her kindness and her passion for music.
3 She was at the marathon with her friend, Danling. They just
4 happened to be walking by the Forum restaurant when the bomb
5 went off. That blast knocked Danling to the ground. When she
6 opened her eyes, she saw a man in front of her missing his leg.
7 She looked down to see if her own legs were still there, and
8 she saw that her insides were coming out of her stomach, so she
9 used her hands to push them back in. She looked around to find
10 her friend and saw her lying a few feet away. Lingzi was
11 screaming in pain and terror, but Danling couldn't hear her
12 because the bomb had deafened her. Danling never saw her
13 friend again because Lingzi, like Martin Richard, bled to death
14 on the sidewalk.

15 A third person the defendant murdered that day was
16 Krystle Marie Campbell. Krystle was 29 years old. She was at
17 the finish line with her good friend, Karen Rand. They were
18 there to cheer on Karen's boyfriend, who was running the race.
19 Krystle was killed by the bomb that the defendant's brother set
20 off. It burned her skin, filled her with shrapnel, and opened
21 gaping wounds in her legs and torso. It also knocked her
22 friend, Karen Rand, to the ground and blew off Karen's leg.
23 Karen held Krystle's hand tight as the life drained out of her
24 body.

25 Now, even though the defendant's brother set off the

1 bomb that killed Krystle Campbell, the defendant is still
2 responsible for her death. That's because he and his brother
3 were partners in crime. They planned these crimes together,
4 and they carried them out together. The defendant knew that
5 his brother's bomb was going to kill people, just like he knew
6 his own bomb was. That's exactly what he wanted to have
7 happen.

8 As soon as those bombs went off, Boylston Street
9 erupted into chaos. The wounded lay on the sidewalk in pools
10 of their own blood, wondering if they were going to live.
11 Others fled the scene. But in the midst of the chaos, some
12 people sprang into action. Police officers, medical personnel,
13 family members and friends of the dead and dying, many of them
14 jumped in to offer aid. There were a lot of heroes that day,
15 and you'll hear from some of them.

16 What was the defendant doing while people were
17 frantically trying to save the wounded from bleeding to death
18 on the street? We know the answer because he was caught on a
19 surveillance tape. Just 20 minutes after he set off that bomb
20 on Boylston Street, while paramedics were still giving CPR to
21 Martin Richard in a futile attempt to try to save his life, the
22 defendant drove to the Whole Foods in Central Square and
23 purchased a gallon of milk. You'll see him on the surveillance
24 tape walking into the Whole Foods, going over to the milk
25 counter, shopping for the milk, choosing which one to buy,

1 going back to the counter, calmly paying for it, and walking
2 out of the store. You'll even see him come back a minute later
3 and decide to exchange that milk for a different type of milk.

4 And what did he do after that? While victims of the
5 bombing lay in the hospital and learned that they would have to
6 have their limbs chopped off to save their lives, the defendant
7 pretended that nothing had happened. He went back to UMass
8 Dartmouth, where he was enrolled as a sophomore. He hung out
9 with his friends and partied. He went to the gym and played
10 video games. He posted a message on Twitter that said, "I'm a
11 stress free kind of guy." He acted like he didn't have a care
12 in the world.

13 The defendant acted that way because he believed that
14 what he had done was good, was something right. He believed
15 that he was a soldier in a holy war against Americans and that
16 he had won an important victory in that war by killing Martin
17 Richard, Lingzi Lu, and Krystle Campbell. And he also believed
18 that by winning that victory, he had taken a step toward
19 reaching paradise. That was his motive for committing these
20 crimes.

21 How do we know that? We know it in part because the
22 defendant wrote out an explanation of why he committed these
23 crimes. The police found that writing when they arrested him,
24 and you will see it later on in court. This is part of what
25 the writing said: "I ask Allah to make me a shahied to allow

1 me to return to him and be among all the righteous people in
2 the highest levels of heaven. Allah Akbar." "Shahied" means
3 martyr, and "Allah Akbar" means God is great.

4 The defendant wrote, "The U.S. government is killing
5 our innocent civilians, but most of you already know that. I
6 can't stand to see such evil go unpunished. We Muslims are one
7 body. You hurt one, you hurt us all. The ummah is beginning
8 to rise. We are promised victory, and we will surely get it."
9 "Ummah" is a word that people with the defendant's beliefs use
10 to describe the Muslim people.

11 The defendant wrote, "Now, I don't like killing
12 innocent people. It is forbidden in Islam. Stop killing our
13 innocent people, and we will stop."

14 The defendant carried out an attack on the Boston
15 Marathon because he believed that the United States government
16 is the enemy of the Muslim people. He believed that punishing
17 America by killing innocent young women and children would
18 cause America to stop targeting Muslim terrorists overseas and
19 help win him a spot in heaven. And you will hear evidence of
20 how he acquired that belief. He acquired it by reading books,
21 listening to songs, and watching videos that were created by
22 other terrorists, and they convinced him that he should become
23 a terrorist too.

24 The defendant's transformation into a terrorist took
25 place over a year or two. In 2011, he started reading

1 terrorist writings and posting online messages about the
2 persecution of Muslims. In 2012, he started listening to
3 terrorist lectures and songs. He told one of his friends that
4 he had a plan to reach paradise. In 2013, he created an online
5 identity that he used to spread radical Muslim ideas. He said
6 that people don't take notice when Muslims die over there,
7 meaning overseas, but if something happens over here, meaning
8 in America, then everybody takes notice. He also said that he
9 knew how to make a bomb.

10 You will hear that the defendant had terrorist
11 writings, videos, and lectures on his laptop computer, on his
12 iPod and on CDs in his car. We will show you many of those
13 writings and videos during the trial, and you'll hear evidence
14 that reading those kinds of writings and listening to those
15 lectures, watching those videos, is a common way that young
16 adults like the defendant turn into terrorists themselves.

17 One of the things the defendant had on his computer
18 was a virtually complete set of *Inspire* magazine. That is a
19 magazine published in English by a group that calls itself
20 al-Qaeda in the Arabian Peninsula. The goal of *Inspire*
21 magazine is to do just that: to inspire young men like the
22 defendant to become terrorists and to encourage them to attack
23 western countries, regardless of whether they're associated
24 with a terrorist organization.

25 It's filled with stories of terrorists who punished

1 America by killing innocent people, and it treats them as
2 glorious heroes. It gives instructions on the best way to
3 commit attacks so as to terrify people and kill as many people
4 as possible.

5 One of the issues in *Inspire* magazine that the
6 defendant had on his computer contained instructions for making
7 a bomb out of a pressure cooker filled with explosive powder
8 and shrapnel. It recommends placing it in a crowded area to
9 maximize its deadly effect. The defendant and his brother
10 began accessing those instructions around Christmas of 2012.
11 Later, the defendant's brother bought pressure cookers to hold
12 the explosive powder and remote-control cars that were turned
13 into remote-control detonators. They filled the bombs with
14 explosive powder emptied from ordinary fireworks, as well as
15 nails, tacks, and BBs to make them more deadly.

16 A few months before the marathon bombing, the
17 defendant got a 9-millimeter handgun. He told a friend of his
18 named Stephen Silva that he needed a gun, so Silva got him a
19 Ruger semiautomatic pistol with the serial number filed off.
20 Silva will be a witness in this case, and he'll testify about
21 giving the Ruger to the defendant.

22 It is clear that the defendant intended to use the
23 Ruger because on March 20th, 2013, just about a month before
24 the marathon attack, he and his brother drove to the Manchester
25 firing range in New Hampshire to practice shooting. The

1 defendant rented two 9-millimeter pistols, just like the Ruger,
2 and purchased four boxes of ammunition, and then he and his
3 brother spent about an hour on target practice.

4 After bombing the marathon on April 15th, the
5 defendant maintained his double identity. He acted normal
6 around his friends. He pretended to them that he hadn't even
7 been at the Boston Marathon, and he continued reading the
8 terrorist writings and listening to the terrorist lectures on
9 his computer. For example, you'll hear evidence that on April
10 16th, the day after the bombing, the defendant opened up the
11 copy of *Inspire* magazine on his computer that contained
12 instructions for building pressure cooker bombs and pipe bombs;
13 and then you'll hear that a few days later, he and his brother
14 exploded several pipe bombs and another pressure cooker bomb,
15 this time in Watertown.

16 Now, I want to go back to April 15th and talk about
17 what happened after the bombings over the next few days on
18 Boylston Street. As soon as the bombs exploded, police
19 officers halted the marathon midway and everyone -- made
20 everyone leave the scene. Bomb technicians began checking for
21 additional bombs. Ambulances came and took the wounded to
22 hospitals. And then the long, painstaking process of gathering
23 evidence began.

24 Three consecutive blocks of Boylston Street were roped
25 off and treated as a crime scene. FBI agents and hundreds of

1 other federal, state, and local law enforcement officers donned
2 special clothing and began scouring the area for evidence.
3 Among all the blood and human remains, they found shredded
4 cloth from the backpacks, pieces of the exploded pressure
5 cookers, and wires and batteries from the remote-control
6 devices used to detonate them.

7 And they found hundreds of pieces of shrapnel, little
8 nails, tacks, and BBs. They found them on the street, they
9 found them inside buildings, on the tops of roofs, and ER
10 doctors found them on the bodies of the victims they were
11 treating at the hospital, in their hair, in their clothing, and
12 in their bloody wounds. The police also collected surveillance
13 tapes from businesses on Boylston Street and elsewhere, and
14 photos and videos from members of the public who had been there
15 watching the race.

16 Now, as I said earlier, the defendant exploded his
17 bomb right in front of a restaurant called Forum, and that
18 restaurant has a surveillance camera that is right over the
19 door of the restaurant, and it happened to be pointing directly
20 at the place where the defendant placed his bomb. The
21 surveillance tape shows the defendant walk up to that spot.
22 He's got a backpack slung over his shoulder. And the moment he
23 gets there, he dips his shoulder, and after that, you never see
24 the backpack on his back again. But photographs show that it's
25 at his feet.

1 It shows him stop right behind Martin Richard and the
2 other children who are lined up on the railing watching the
3 race. It shows him stand there looking at them and looking
4 over their heads at the runners. Then it shows him make the
5 phone call to his brother. A few seconds later, everyone in
6 the Forum snaps their head to the left, towards the finish
7 line, as the first bomb explodes. Almost immediately, the
8 defendant begins walking rapidly in the other direction. As
9 soon as he reaches a safe distance, his bomb explodes.

10 That video revealed that the defendant was one of the
11 bombers, but the FBI didn't know who the defendant was. They
12 had a face but not a name. So they started looking at all the
13 other surveillance tapes, seeing if they could find him walking
14 up to that spot. And they did find him, and they found him
15 walking with another man, who turned out to be the defendant's
16 brother, Tamerlan. Tamerlan also had a backpack on. So now
17 the FBI had two suspected bombers. They had two faces but
18 still no names.

19 Three days passed while the FBI and other law
20 enforcement officers worked around the clock trying to identify
21 who the two men in the video were. At the end of three days,
22 they decided it was time to ask the public for help. So on
23 Thursday, April 15th [sic], at 5 p.m., almost exactly three
24 days after the bombings occurred, the FBI published some of
25 those surveillance videos and still photos from the

1 surveillance videos on its website, and they had a press
2 conference where they asked members of the public to call in if
3 they had any idea who those two men were.

4 News stations broadcast those videos and those photos
5 all around the country and around the world. A few hours
6 later, at 8:45 p.m., the defendant got a text from his good
7 friend, Dias Kadyrbayev.

8 Dias texted, "You saw the news?"

9 The defendant texted back, "Yeah, bro, I did."

10 Dias texted, "For real?"

11 The defendant texted back, "I saw the news. Better
12 not text me, my friend. LOL."

13 Dias texted, "You saw yourself in there?"

14 The defendant didn't answer directly. He just texted
15 back, "If you want, you can go to my room and take what's
16 there." That's exactly what Dias did. He and two other of the
17 defendant's friends went to his dorm room at UMass Dartmouth.
18 They searched it, and they found a backpack containing
19 fireworks that had been partially emptied of their explosive
20 powder. They took that backpack, and they threw it into a
21 Dumpster to get rid of the evidence, but fortunately the police
22 later were able to recover it. They also took the defendant's
23 laptop computer and brought it back to their apartment in New
24 Bedford.

25 Meanwhile, the defendant and his brother went out in

1 search of another gun. They drove by the MIT campus, which was
2 close to their apartment, and they saw a police officer sitting
3 in his cruiser next to a building. The police officer was
4 named Sean Collier. He was a 27-year-old from Somerville.
5 Students loved him because he was a friendly guy and took an
6 active role in campus life.

7 A surveillance video shows what happened next. Now,
8 unfortunately, the surveillance camera that took this video was
9 very far away. It was on top of a very high building, the
10 distance from where the car was, and it was so far away that
11 the human figures in it appear tiny. It's impossible to see
12 their faces or exactly what they're doing with their hands.
13 Even so, it shows enough for you to be certain, in conjunction
14 with other evidence that I'll tell you about, that the
15 defendant and his brother killed Officer Collier.

16 The video shows two men walk through the courtyard and
17 round the corner where Sean Collier is sitting in his cruiser.
18 So they round one corner, walk all the length of the building,
19 walk around the corner right to the cruiser. As soon as they
20 reach the car, they open the door.

21 A few seconds later you can see a young man ride his
22 bicycle right by the cruiser. The man on the bike was an MIT
23 graduate student named Nate Harman. He'll testify that as he
24 rode by, he saw a man leaning into the driver's side of the
25 cruiser, and he startled him. The man looked up in surprise

1 and looked directly into Mr. Harman's face, and Mr. Harman's
2 description of the man matches the defendant exactly.

3 At the same time the video shows the two men standing
4 by the side of the car, a student working in an office that had
5 a window right above where the cruiser was parked called MIT's
6 version of 911 and reported hearing six possible gunshots from
7 below. Shortly after the call was made, the video shows the
8 two men, the defendant and his brother, run away from the car
9 back the way that they came. Five minutes later, fellow
10 officers responded to the scene and found Officer Collier dead
11 in his cruiser.

12 The evidence will show that the defendant and his
13 brother used the defendant's Ruger, the one that he had gotten
14 from his friend, to execute Officer Collier by shooting him in
15 the head at point-blank range twice in the side of his head and
16 once right between the eyes. They also shot him three times in
17 his right hand. Then they tried to steal his gun from his
18 holster, but they couldn't get the holster lock to open, so
19 they gave up, and they fled the scene.

20 You'll know they tried to steal his gun from his
21 holster because the holster had a two-stage lock to prevent the
22 gun from being pulled out by someone else. The first stage is
23 easy to open, but the second one isn't, especially if you're
24 not the person wearing the holster. When other officers found
25 Officer Collier in his cruiser, they saw that the first stage

1 of the lock had been opened, but the second was still closed,
2 and they also saw that the gun and the holster were covered
3 with blood, as if somebody had been yanking at it, while the
4 rest of his utility belt was clean.

5 Now, because the surveillance camera was so far away,
6 you can't see the defendant and his brother do the actual
7 shooting. So the video doesn't reveal whether the defendant
8 pulled the trigger, whether his brother pulled the trigger, or
9 whether they both did, but it doesn't matter. They both
10 murdered him. And other evidence, which I'll talk about in a
11 few minutes, leaves no doubt that they are the ones who killed
12 Officer Collier and that they did it with the defendant's gun.

13 After murdering Officer Collier, the defendant and his
14 brother got back into their Honda Civic, which was loaded with
15 additional bombs, another pressure cooker bomb, like the one
16 that had exploded on Boylston Street, and at least four pipe
17 bombs. Their plan was to drive to New York City, but they
18 needed a different car, one that couldn't be traced back to
19 them or the murder of Sean Collier, so they drove in to Boston
20 to find one.

21 About 20 minutes later, they found what they were
22 looking for: a young Chinese man named Dun Meng, who was
23 sitting in a leased Mercedes SUV next to the AutoZone in
24 Brighton reading a text message on his cell phone. The
25 defendant and his brother drove up in their Honda Civic, and

1 the defendant's brother got out. He went over to the passenger
2 side of Mr. Meng's car, and he knocked on the window, and he
3 signaled to Mr. Meng to roll it down. When Mr. Meng did, the
4 defendant's brother reached inside, opened the lock, opened the
5 door, and got into the car, and then he pointed the defendant's
6 gun in Mr. Meng's face.

7 He demanded that Mr. Meng give him all of his money,
8 and Mr. Meng did, but he only had \$40 on him. The brothers
9 wanted more, so the defendant's brother told Mr. Meng to start
10 driving, and the defendant followed in the Honda Civic. A
11 nearby surveillance camera captured both cars driving away from
12 the scene.

13 They kept driving until they got to a quiet block in
14 Watertown, and then they parked, one behind the other. The
15 defendant got out and transferred all of the bombs from the
16 Honda into the trunk of the Mercedes. Then he, himself, got
17 into the backseat of the Mercedes, and the three of them drove
18 to an ATM in -- a Bank of America ATM in Watertown Square.
19 When they got there, the defendant took Mr. Meng's ATM card,
20 demanded his password, and robbed him of \$800 by using the ATM
21 machine to withdraw it from Mr. Meng's bank account. That \$800
22 was still inside the defendant's wallet when he was arrested
23 the next day.

24 After robbing Mr. Meng, the defendant and his brother
25 drove Mr. Meng to a Shell station on Memorial Drive in

1 Cambridge. They got there about 12:15 a.m. The defendant and
2 his brother had murdered Sean Collier less than two hours
3 earlier, and their terrified carjacking victim was still inside
4 the car. Even so, the first thing the defendant did when they
5 got to the gas station was to leave his brother inside the
6 Mercedes with Mr. Meng and go inside the Shell station to buy
7 snacks. You'll see him shopping for those snacks on the Shell
8 station video. He takes his time. He's not concerned. He
9 makes sure he's getting exactly what he wants.

10 But then things took a bad turn for the defendant.
11 While he was inside the Shell station shopping for snacks,
12 Mr. Meng realized that this might be his last chance to escape
13 before the defendant and his brother have no longer any use for
14 him. So in a flash, while the defendant's brother's hands were
15 occupied programming the GPS, Mr. Meng undid his seatbelt with
16 one hand, opened the door with the other, jumped out of the
17 car, and sprinted across the street to the Mobil station.
18 You'll see him on a surveillance camera springing across the
19 street and entering the Mobil station. And when he gets there,
20 you'll see the terrified look on his face, and you'll hear it
21 in his voice on the 911 tape.

22 After Mr. Meng called 911, the police responded to the
23 Mobil station and they interviewed Mr. Meng. They got all the
24 information about the Mercedes, and they began tracking its
25 location in real time using the GPS system in the car. By that

1 time, the defendant and his brother had driven back up to that
2 block in Watertown where they had left the Honda Civic. The
3 defendant had gotten back into the Honda Civic, his brother
4 remained in the Mercedes, and they had begun driving back in
5 the direction of Boston in the two cars.

6 The GPS tracking system in the Mercedes revealed that
7 it was moving south on Dexter Avenue, which is a quiet,
8 residential street in Watertown. A Watertown police officer
9 named Joe Reynolds heard on his police radio that the Mercedes
10 was wanted in a carjacking, and he began driving north on
11 Dexter Avenue. He had no idea that the two people driving the
12 cars were the Boston Marathon bombers.

13 As Officer Reynolds drove north on Dexter, the
14 defendant and his brother were driving south. The defendant
15 was in the Honda. He was in the lead. The defendant's brother
16 was in the Mercedes. He was following. As the two cars drove
17 past Officer Reynolds, Officer Reynolds made a U-turn and began
18 following them.

19 The defendant decided to turn onto Laurel Street,
20 which is another quiet residential street in Watertown, and his
21 brother followed him. It was nearly one in the morning. The
22 houses lining both sides of the street were dark and quiet.
23 The street wasn't well lit. The defendant stopped his car in
24 the middle of the street and got out, and his brother followed
25 his lead and did the same. As soon as Officer Reynolds turned

1 onto Laurel Street to follow them, they fired a bullet through
2 his windshield, trying to kill him. Officer Reynolds backed up
3 a short distance, got out of his car, and began shooting back.

4 Another Watertown police officer, Sergeant John
5 MacLellan, was on the street within seconds. As soon as he
6 turned onto Laurel Street, the defendant and his brother tried
7 to kill him too. They shot at him with the defendant's gun
8 while he was still in his car. Rather than back up, he put his
9 car into drive, got out, and let it roll slowly down the street
10 towards the brothers so that he and Officer Reynolds could take
11 cover behind it. And that's what they did. They walked behind
12 it, shooting as they went.

13 The defendant and his brother did everything in their
14 power to kill those two officers. They shot at them with the
15 defendant's Ruger, and they began throwing pipe bombs at them.
16 Two of those bombs exploded within feet of the officers. Two
17 others failed to detonate. Eventually, the defendant hurled a
18 pressure cooker bomb at the officers. It exploded with a
19 thunderous boom and created a massive fireball. Shrapnel
20 rained down on the officers and blew in the homes on Laurel
21 Street where the residents were cowering in terror.

22 A third Watertown police officer, Sergeant Jeffrey
23 Pugliese, arrived on the scene. He ran around the backs of
24 some houses to get as close to the defendant and his brother as
25 he could. The defendant's brother saw Sergeant Pugliese in the

1 side yard of the house and began shooting at him. Sergeant
2 Pugliese just stood there and shot back. Eventually, the
3 defendant's brother ran out of ammunition. He began walking
4 rapidly down the street towards Officer Reynolds and Sergeant
5 MacLellan. Sergeant Pugliese ran after him. He tackled him
6 and tried to handcuff him. Officer Reynolds and Sergeant
7 MacLellan jumped in.

8 While they were doing that, the defendant got back
9 into the Mercedes, which was pointing away down the street,
10 turned it around, and began driving at the three officers at
11 top speed trying to mow them down. He must have known they
12 were trying to arrest his brother, but he cared more about
13 killing them than he cared about his brother's life.

14 Officer Reynolds and Sergeant MacLellan saw the car
15 coming. They jumped off and took cover and told Sergeant
16 Pugliese to do the same, but Sergeant Pugliese didn't. He
17 grabbed the defendant's brother by his belt and tried to drag
18 him out of the way of the coming Mercedes. At the last
19 possible second, when the Mercedes was almost on top of him,
20 Sergeant Pugliese rolled to the side. The defendant ran right
21 over his brother and dragged his body about 50 feet down the
22 street. He sideswiped Officer Reynolds' cruiser, which shook
23 his brother's body loose, and continued driving away at top
24 speed.

25 As he sped by, other officers who had responded to the

1 scene and were waiting down there at the end of the street,
2 began shooting at the Mercedes. One of them was an MBTA
3 officer named Richard Donohue. Officer Donohue was shot in the
4 thigh by a stray bullet. It severed an artery, and he began
5 bleeding heavily. Other officers tried to stanch the flow of
6 blood, but it was impossible. Officer Donohue lost so much
7 blood that he stopped breathing and nearly died. Fortunately,
8 paramedics arrived, quickly got him to a hospital where doctors
9 were able to save his life.

10 The defendant drove a few more blocks and then ditched
11 the Mercedes in the middle of the street. He made his way
12 through the quiet, sleeping neighborhood to a house with a
13 dry-docked boat in the backyard. The boat was a good size. It
14 was about 22 feet long, about 8 feet wide, and it was up on a
15 trailer, and it was covered with a tarp. It was still the end
16 of winter, and it was covered with a tarp to protect it from
17 the elements. It must have struck the defendant as a good
18 place to hide out while the police searched for him.

19 Although the defendant had been shot and was bleeding,
20 he still had his wits about him. He smashed the cell phone
21 that he had used to call his brother right before they
22 detonated the bombs. He also smashed his other cell phone. By
23 smashing those phones, he destroyed some of the evidence of
24 what he had done, such as text messages between him and his
25 brother that were stored on his phone. He also made it

1 impossible for the police to use the GPS devices in the phones
2 to figure out his location. Once he had smashed the phones, he
3 took out Dun Meng's ATM card, which he still had, and he tried
4 to hide it, along with the smashed phones, in a kind of ditch
5 by where the boat was. But, again, the police searched the
6 area and found it later.

7 Once he had destroyed and hidden the evidence, he
8 climbed into the boat and hid. Meanwhile, the police cordoned
9 off a whole section of Watertown where they knew the defendant
10 might be hiding, and they searched all night and all the next
11 day, but they couldn't find him. When they finally decided to
12 call off the search for the day, David Henneberry, the man who
13 owned the boat, went outside to check on it. Mr. Henneberry
14 saw that the tarp covering the boat was loose, and he climbed a
15 short ladder to investigate. When he lifted the tarp to look
16 inside, he saw the defendant lying there, so he went back into
17 his house and called 911.

18 The police showed up quickly and surrounded the boat.
19 Several officers saw what they considered suspicious movement
20 and fired on it. That triggered a barrage of shots at the
21 boat. Then hostage negotiators arrived and tried to talk the
22 defendant into surrendering. Eventually they succeeded. The
23 defendant climbed out of the boat, and the police arrested him.

24 That's when the police found the writing I mentioned
25 earlier, the one where the defendant explained that he had

1 bombed the marathon to punish America for mistreating Muslim
2 people. He had written that explanation in pencil on an inside
3 wall of the boat while he was hiding inside of it, and you will
4 see the writing itself, the pencil he used to write it, and
5 other evidence that was found in the boat.

6 Meanwhile, officers had been combing Laurel Street and
7 Dexter Streets for evidence. One of the first places they
8 looked was the Honda Civic that the defendant had been driving.
9 When the defendant escaped from Laurel Street in the Mercedes,
10 he left the Honda Civic behind. On the floor of the Civic, on
11 the driver's side, right beneath the defendant's feet where he
12 had been driving, officers found two bloody white gloves. DNA
13 analysis shows that the blood on those gloves came from Officer
14 Collier. That is one of the ways you will know that the
15 defendant and his brother are the ones who killed Officer
16 Collier.

17 Another piece of evidence found in the Honda was the
18 defendant's key ring, which had a UMass Dartmouth tag on it,
19 and his car key, the same key he had used to drive the Honda to
20 Laurel Street. Those items also were bloody, and once again,
21 DNA analysis shows that the blood came from Officer Collier.
22 That's yet another way you'll know that the defendant helped
23 kill Officer Collier that night.

24 Officers also found the defendant's Ruger, a BB gun
25 that looks exactly like a Ruger, and 54 spent Ruger casings,

1 meaning shells from bullets that had been fired from the Ruger.
2 All of the Ruger casings were matched by a ballistics expert to
3 the defendant's Ruger.

4 Now, six Ruger casings were also found at the MIT
5 crime scene, three inside the cruiser and three outside of it.
6 A ballistics expert examined those, and they also matched the
7 defendant's Ruger. And that's yet another way you will know
8 that the defendant and his brother murdered Officer Collier
9 that night using the defendant's gun.

10 You're going to see all of the ballistics evidence,
11 you'll hear from the ballistics expert, and you'll hear from
12 the DNA expert who examined the gloves and the key ring.

13 Shrapnel from the bombs the defendant used on Laurel
14 Street and pieces of the pressure cooker were found everywhere.
15 They were inside people's cars, on their front lawns, in their
16 backyards, on their roofs, even inside their homes. Slugs from
17 the Ruger were also found inside people's homes, some of them
18 embedded in their -- in their interior walls. We will show you
19 maps, diagrams, photographs of them.

20 Now, you've heard me talk a lot about the defendant's
21 brother, Tamerlan, but you won't be seeing him in the
22 courtroom. That's because the defendant killed him by running
23 him over with this Mercedes. Tamerlan's bullet wounds also
24 contributed to his death. But even though Tamerlan won't be in
25 the courtroom, this case involves him too. That's because he

1 and the defendant were partners. They agreed to do these
2 crimes together, and they carried them out together.

3 The judge will instruct you that when two people agree
4 to commit a crime together, they're guilty of conspiracy. And
5 the defendant is charged with three counts of conspiracy:
6 conspiracy to use a weapon of mass destruction, conspiracy to
7 bomb a place of public use, and conspiracy to destroy property
8 with explosives.

9 The defendant is also charged with many substantive
10 counts of using a weapon of mass destruction, arming a place of
11 public use, and destroying property with explosives. And he's
12 charged with many counts of using guns and explosives to commit
13 violent crimes. Even though he and his brother played
14 different roles in each of these crimes, they are both equally
15 guilty of committing them because they carried them out as
16 partners.

17 Now, what do I mean when I say they were partners? I
18 don't mean that they did exactly the same thing. That's not
19 required for the defendant to be guilty under the law. What I
20 mean is that each one played a role in committing the crime.
21 For example, the defendant -- the defendant planted one bomb at
22 the marathon, and his brother planted the other one. The
23 defendant got his -- got a gun from his friend, Stephen Silva,
24 and his brother stuck it in Dun Meng's face. The defendant
25 took Dun Meng's ATM card and password and robbed him of \$800.

1 The defendant's brother told Dun Meng where to drive. The
2 defendant threw bombs at the police in Watertown and handled
3 the ammunition while his brother fired shots at the officers.
4 And both brothers together murdered Officer Sean Collier and
5 tried to steal his gun.

6 So even though Tamerlan Tsarnaev is not here, we will
7 be offering evidence about his role in these crimes, but the
8 focus is going to be on the defendant. That's because this is
9 his day in court. He's the one the government has to prove
10 guilty, not his brother. It's important for you to hear all
11 the evidence against the defendant so that at the end of the
12 trial you have what you need to find him guilty. It's far less
13 important for you to hear all the evidence against the
14 defendant's brother. In the end, it doesn't matter what role
15 each of them played, so long as you find that they were
16 partners and carried out these crimes together.

17 Now, as you can tell from what I've said, there's a
18 lot of evidence in this case. Some of the witnesses are just
19 going to talk about how and where things were found. Others
20 will simply testify that things are what they appear to be. We
21 need to call those witnesses because you need to have
22 confidence in the evidence, but we'll do our best to streamline
23 its -- its introduction into evidence and make that go as fast
24 as possible, if we can.

25 I want to conclude just by telling you a bit about the

1 order in which we're going to present the government's case.
2 We'll start with the marathon bombings and the collection of
3 evidence at the marathon crime scenes. We'll show you some of
4 the surveillance video, photos and -- photos from the people
5 who were at the -- the marathon before the bombs went off that
6 the FBI used to identify the defendant and his brother as
7 suspects in the bombing.

8 Then we'll put on evidence of what the defendant did
9 in the days after the bombings and of the manifesto he wrote on
10 the inside wall of the boat. Next we'll put on evidence of the
11 events on April 18th and 19th, how the FBI published photos of
12 the defendant and his brother on their website and held the
13 press conference; how the defendant and his brother then
14 murdered Officer Collier, carjacked, kidnapped, and robbed Dun
15 Meng, and tried to kill police officers in Watertown with
16 gun -- with a Ruger and with bombs.

17 After hearing about all the evi- -- the events that
18 led up to the defendant's arrest, you'll hear about all the
19 evidence that was collected from the Watertown crime scene and
20 analyzed by the experts, including the bloody gloves, the
21 bloody car keys, the Ruger, and all the ballistics evidence.
22 You'll also hear about evidence collected from the defendant's
23 residence in Cambridge and from his dorm room at UMass
24 Dartmouth.

25 One of the most important pieces of evidence is the

1 defendant's laptop computer, the one that his friends took from
2 the dorm room. The police got that computer and analyzed it.
3 As with a lot of people, the defendant's computer is a window
4 into his life, especially into the part of him that he kept
5 mostly hidden from his friends.

6 You'll hear a lot of evidence about all of the
7 terrorist materials that were on his computer and the other
8 digital devices that he owned. And you'll hear about other
9 things that the defendant said and wrote that shed light on the
10 sources of his terrorist beliefs. Some of those are papers he
11 wrote for school, and some are things he wrote to friends and
12 emails and text messages and posted on social media.

13 You'll also hear from the medical examiners who
14 examined the bodies of the four people the defendant murdered.

15 MR. BRUEMMER: If you could choose number 4, please.

16 THE COURT: I'm sorry?

17 MR. BRUEMMER: If you could choose 4, please.

18 THE COURT: Do you want a feed?

19 Jurors in the back row, just as you see monitors in
20 the front row, there are between your seats a console. You can
21 lift up the monitor, and -- actually, it may not be at the very
22 end. I think you may have to look in front.

23 MR. WEINREB: Each of the medical examiners who
24 examined the people who died in this case will be testifying.
25 And they'll tell you that Sean Collier was killed by multiple

1 gunshot wounds to the brain. Krystle Campbell had blast
2 injuries to her head, neck, body, and limbs. Her back was
3 burned red; and her head, body, and legs were filled with
4 shrapnel. There were gaping wounds in her legs that had
5 drained virtually all of the blood from her body.

6 Lingzi Lu was cut, battered, and bruised. The bomb
7 that the defendant detonated blew large perforating holes in
8 her legs that caused her to bleed to death. Martin Richard was
9 only 4 feet, 5 inches tall, and he weighed only 70 pounds.
10 Because of his size and height, the bomb damaged his entire
11 body. The defendant blew large holes into Martin's chest and
12 abdomen, exposing his ribs and organs and eviscerating his
13 bowels. He blew Martin's arm nearly entirely off his body,
14 burned his skin, and drove BBs and nails into his legs. Martin
15 lost so much blood that he had virtually none left in his body
16 by the time he was brought to the morgue. He died at the scene
17 from his wounds.

18 In the end, the evidence will prove to you beyond a
19 reasonable doubt that the defendant committed all 30 crimes
20 that he is charged with. He murdered Martin Richard, Lingzi
21 Lu, Krystle Campbell, and Sean Collier. He used weapons of
22 mass destruction at the Boston Marathon to terrorize the
23 country and to influence American foreign policy. He used guns
24 and bombs in Watertown to continue his campaign of terror, and
25 he did it all because he believed that America needed to be

1 punished for killing Muslims overseas. He did it to advance a
2 cause that he believed in. And he did it because he thought it
3 would help secure him a place in paradise. That is why, at the
4 end of the case, we will ask you to find him guilty of all 30
5 counts in the indictment.

6 Thank you.

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1 C E R T I F I C A T E
23 I, Marcia G. Patrisso, Official Reporter of the United
4 States District Court, do hereby certify that the foregoing
5 transcript constitutes, to the best of our skill and ability, a
6 true and accurate transcription of my stenotype notes taken in
7 the matter of Criminal Action No. 13-10200-GAO, United States
8 of America v. Dzhokhar A. Tsarnaev.
910 /s/ Marcia G. Patrisso
11 MARCIA G. PATRISSO, RMR, CRR
Official Court Reporter
1213 Date: 3/4/15
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